

2312-109  
SAS:lew



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Luis Lopez-Molina et al. ) Box Missing Parts  
Serial No. 09/813,352 ) Attention:  
Filed: 21 March 2001 ) Applications Branch  
For: OVEREXPRESSION OF ABI5 IN  
PLANTS TO PREVENT PRECOCIOUS  
SEED GERMINATION AND TO CONFER  
RESISTANCE TO DROUGHT AND HIGH SALT

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to a Notice to File Missing Parts of Application under 37 CFR 1.53(b) dated April 27, 2001, response copy attached, a Declaration and Power of Attorney identifying the above-referenced application by Serial Number and Filing Date is being herewith submitted. Also attached is a check in payment of the following fees:

\$ 65.00	(surcharge under 37 C.F.R. 1.16(e))
355.00	(basic filing fee)
<u>504.00</u>	(additional claims fee)
\$ 924.00	TOTAL

Serial No. 09/813,352

Please charge any additional fees or credit any overpayment for the payment of the filing fee, any extra claims fees or the surcharge to deposit account number 02-2135. An additional copy of this letter is enclosed for that purpose.

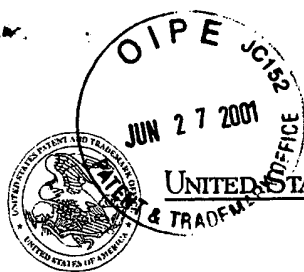
The following document(s) is/are being submitted concurrently under separate cover:

- The formal drawings.
- Recordation Coversheet w/Assignment document

Respectfully submitted,

By Stephen A. Saxe  
Stephen A. Saxe, Ph.D.  
Attorney for Applicants  
Registration No. 38,609  
ROTHWELL, FIGG, ERNST & MANBECK, p.c.  
Suite 701-E, 555 13th Street, N.W.  
Washington, D.C. 20004  
Telephone: (202) 783-6040

Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/813,352	03/21/2001	Luis Lopez-Molina	2312-109

CONFIRMATION NO. 3472

6449

ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
555 13TH STREET, N.W.  
SUITE 701, EAST TOWER  
WASHINGTON, DC 20004

## FORMALITIES LETTER



\*OC000000006017458\*

Date Mailed: 04/27/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$504.
  - \$144 for 16 total claims over 20.
  - \$360 for 9 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 924.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

07/02/2001 HARDY 00000108 09813352  
01 FC:201 355.00 DP  
02 FC:202 360.00 DP  
03 FC:203 144.00 DP  
65.00 DP  
CA FC:205

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*A copy of this notice **MUST** be returned with the reply.*

*FT*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

2312-109  
SAS:lew



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Luis Lopez-Molina et al. )  
Serial No. 09/813,352 ) Examiner: To Be Assigned  
Filed: 21 March 2001 ) Group Art Unit: 1638  
For: OVEREXPRESSION OF ABI5 IN  
PLANTS TO PREVENT PRECOCIOUS  
SEED GERMINATION AND TO CONFER  
RESISTANCE TO DROUGHT AND HIGH SALT

SUBMISSION OF FORMAL DRAWINGS

Assistant Commissioner for Patents  
Washington, D.C. 20231

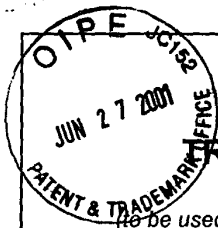
Dear Sir:

Attached hereto are eight (8) sheets of formal drawings to  
replace the five (5) sheets of informal drawings filed with the  
subject application.

Respectfully submitted,

By Stephen A. Saxe  
Stephen A. Saxe, Ph.D.  
Attorney for Applicants  
Registration No. 38,609  
ROTHWELL, FIGG, ERNST & MANBECK, p.c.  
Suite 701-E, 555 13th Street, N.W.  
Washington, D.C. 20004  
Telephone: (202) 783-6040

Enclosures



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

See box

Box MISSING PARTS  
(1) & (2)

Complete if Known

Application Number	09/813,352
Filing Date	21 March 2001
First Named Inventor	Luis Lopez-Molina
Examiner Name	To Be Assigned
Group Art Unit	1638
Attorney Docket Number	2312-109

Total Number of Pages in This Submission 8

## ENCLOSURES (check all that apply)

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Assignment Papers  | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input checked="" type="checkbox"/> Fee Attached  | <input type="checkbox"/> Formal Drawing(s)  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> Amendment/Reply  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                                      | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below):                       |
| <input type="checkbox"/> Express Abandonment Request                                    | <input type="checkbox"/> Terminal Disclaimer  |  |
| <input type="checkbox"/> Information Disclosure Statement                               | <input type="checkbox"/> Request for Refund   |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                         | <input type="checkbox"/> CD, Number of CD(s)  |  |
| <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application   |   |  |
| <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

REMARKS:

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Stephen A. Saxe, Ph.D., Reg. No. 38,609		
SIGNATURE	<i>Stephen A. Saxe</i>	DATE	<i>June 27, 2001</i>
		DEPOSIT ACCOUNT USER ID	

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Complete if Known

Application Number	09/813,352
Filing Date	21 March 2001
First Named Inventor	Luis Lopez-Molina
Examiner Name	To Be Assigned
Group Art Unit	1638
Attorney Docket Number	2312-109

Total Number of Pages in This Submission 12

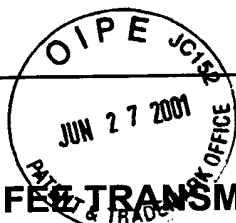
## ENCLOSURES (check all that apply)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form   | <input type="checkbox"/> Assignment Papers  | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Fee Attached   | <input checked="" type="checkbox"/> <b>Submission of Formal Drawings = 8 Sheets</b>     | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> Amendment/Reply  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                                    | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                                    | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |
| <input type="checkbox"/> Express Abandonment Request                                  | <input type="checkbox"/> Terminal Disclaimer  | <b>Copy of PTO Notice</b>  |
| <input type="checkbox"/> Information Disclosure Statement                             | <input type="checkbox"/> Request for Refund   |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                       | <input type="checkbox"/> CD, Number of CD(s)  |  |
| <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application |   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53          |   |  |

REMARKS:

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Stephen A. Saxe, Ph.D., Reg. No. 38,609		
SIGNATURE	DATE	DEPOSIT ACCOUNT USER ID	
<i>Stephen A. Saxe</i>	<i>June 27, 2001</i>		

BEST AVAILABLE COPY



**FEE TRANSMITTAL**  
for FY 2001  
(Small Entity)

		<i>Complete if Known</i>	
		Application Number	09/813,352
		Filing Date	21 March 2001
		First Named Inventor	Luis Lopez-Molina
		Examiner Name	To Be Assigned
		Group Art Unit	1638
Total Amount of Payment	(\$924.00)	Attorney Docket Number	2312-109

**METHOD OF PAYMENT** (check one)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status.
2. ☒ Payment Enclosed:  
☒ Check  
☐ Credit Card

**FEE CALCULATION**

**1. FILING FEE**

Fee Code	Fee \$	Fee Description	Fee Paid
201	355	Utility filing fee	[\$355.00]
206	160	Design Filing Fee	[ ]
207	245	Plant Filing Fee	[ ]
208	355	Reissue Filing Fee	[ ]
214	75	Provisional Filing Fee	[ ]

**SUBTOTAL \$**

**2. CLAIMS**

	Extra Claims	Fee	Fee Paid
Total Claims [ 36 ] - 20** = [ 16 ] x		\$ 9 =	[\$144]
Independent Claims [ 12 ] - 3** = [ 9 ] x		40 =	[\$360]
Multiple Dependent Claims +		135 =	[ ]

\*\*or number previously paid, if greater;

**SUBTOTAL \$504.00**

**FEE CALCULATION** (continued)

**3. ADDITIONAL FEES**

Fee Code	Fee Paid	Fee Description	Fee Paid
205	65	Surcharge - late filing fee or oath	[\$65. ]
227	25	Surcharge - late provisional filing fee or cover sheet	[ ]
139	130	Non-English specification	[ ]
147	2,520	For filing a request for reexamination	[ ]
112	920	Requesting publication of SIR prior to Examiner action	[ ]
113	1,840*	Requesting publication of SIR after Examiner action	[ ]
215	55	Extension for reply within first month	[ ]
216	195	Extension for reply within second month	[ ]
217	445	Extension for reply within third month	[ ]
218	695	Extension for reply within fourth month	[ ]
228	945	Extension for reply within fifth month	[ ]
219	155	Notice of Appeal	[ ]
220	155	Filing a brief in support of an appeal	[ ]
221	135	Request for Oral Hearing	[ ]
138	1,510	Petition to institute a public use proceeding	[ ]
240	55	Petition to revive -unavoidable	[ ]
241	640	Petition to revive - unintentional	[ ]
242	620	Utility issue fee (or reissue)	[ ]
243	220	Design issue fee	[ ]
244	300	Plant issue fee	[ ]
122	130	Petitions to the Commissioner	[ ]
123	50	Processing fee under 37 CFR 1.17(q)	[ ]
126	180	Submission of Information Disclosure Statement	[ ]
581	40	Recording each patent assignment per property (times number of properties)	[ ]
246	355	Filing a submission after final rejection (37 CFR .129(a))	[ ]
249	355	For each additional invention to be examined (37 CFR 1.129(b))	[ ]
279	355	Request for Continued Examination (RCE)	[ ]
169	900	Request for expedited examination of a design application	[ ]
195	300	Publication fee for early, voluntary, or normal publication	[ ]
196	300	Publication fee for republication	[ ]
089	200	Filing an application for patent term adjustment	[ ]
090	400	Request for reinstatement of term reduced	[ ]
Other fee (specify)			[ ]

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL \$65.00**

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Stephen A. Saxe, Ph.D., Reg. No. 38,609		
SIGNATURE	DATE	DEPOSIT ACCOUNT USER ID	
<i>Stephen A. Saxe</i>	<i>June 27, 2001</i>		